



**DEPARTMENT OF DEFENSE
OFFICE OF FREEDOM OF INFORMATION
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155**

FEB 02 2012

Ref: 12-F-0449

MuckRock News
Dept MR 1046
P.O. Box 55819
Boston, MA 02205-5819

Dear Mr. Jones:

This acknowledges the receipt of your January 27, 2012, Freedom of Information Act (FOIA) request. In this request you asked for all documents mentioning the weapon-detaching infrared-ray device, made in association with the New York Police Department. We received your request the same date.

With regard to your request for a waiver of any applicable fees, a fee waiver is appropriate when "disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations and activities of the government and is not primarily in the commercial interest of the requester." 5 U.S.C. § 552(a)(4)(iii). Decisions to waive or reduce fees are made on a case-by-case basis. I will consider your request for a fee waiver after a search is completed and this Office determines if records responsive to your request exist, and the volume and nature of those records.

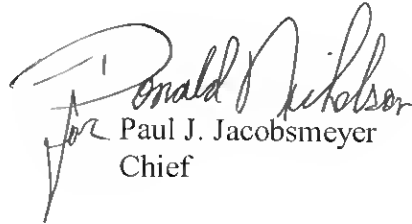
I have determined that you should be placed in the "other" category for fee purposes as you have indicated that you do not seek access to these records for commercial purposes. The "other" fee category affords you two hours of search time and 100 pages of duplication free of charge. Subsequent processing will be assessed at the established Department of Defense (DoD) fee rates of: clerical search time--\$20 per hour; professional search time--\$44 per hour; executive search time--\$75 per hour; and document reproduction at \$0.15 per page.

You should also know that we will be unable to respond to your request within the FOIA's 20 day statutory time period as there are unusual circumstances which impact on our ability to quickly process your request. These unusual circumstances are: (a) the need to search for and collect records from a facility geographically separated from this Office; (b) the potential volume of records responsive to your request; and (c) the need for consultation with one or more other agencies or DoD components having a substantial interest in either the determination or the subject matter of the records.

For these reasons, your request has been placed in our complex processing queue and will be worked in the order the request was received. Our current administrative workload is 1,623 open requests.

If you would like to discuss how to limit your request in order to speed the processing time, we would be pleased to discuss how you might modify your request. The action officer assigned to your request is Donald Nicholson at (571) 372-0425 or donald.nicholson@whs.mil.

Sincerely,


for Paul J. Jacobsmeyer
Chief